



removed

DIVISION

Dep. Ref

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2005 JAN 31 AM 9:48

In re Patent Application of

MALISSEN et al

Atty. Ref.: 3665-113

Serial No. 10/502,332

Group: Unassigned

Filed: July 23, 2004

Examiner: Unassigned

For: MUTATED GENE CODING FOR A LAT PROTEIN AND THE  
BIOLOGICAL APPLICATIONS THEREOF

\*\*\*\*\*  
January 19, 2005

**Mail Stop 16**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REFUND REQUEST**

The Office is requested to refund the undersigned's Deposit Account for the \$130.00 debited to Deposit Account No. 14-1140 in the monthly statement of December 2004, copy attached. A further explanation of the charge is requested in the event the Patent Office continues to believe the charge was appropriately made.

The surcharge of \$130 for furnishing the Oath or Declaration later than twenty (20) or thirty (30) months from the priority date is not believed to be required since the Declaration was submitted to the International Bureau during International Phase as indicated in the attached copy of the Transmittal Letter (Filing date 2005/07/25, JUN 19 2005, 12/23/2004 RJOHNSON 00000002 141140 10502332 01 FC:1617 130.00 CR) 2004. A copy of the first page of the printed publication acknowledging receipt thereof is also attached along with the undersigned's date-stamped postcard of July 23, 2004.

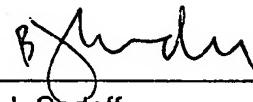
MALISSEN et al  
Serial No. 10/502,332

Accordingly, in view of the above and attached, the \$130.00 fee charged by the Patent Office to the undersigned's Deposit Account in the attached statement of December 2004 is believed to be in error and a refund of the noted amount is requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



B. J. Sadoff

Reg. No. 36,663

BJS:pp  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100



**United States  
Patent and  
Trademark Office**

**COPY**

USPTO  
Home  
Page  
  
Finance  
Online  
Shopping  
Page

**Deposit Account Statement**

**Requested Statement Month:**

December 2004

**Deposit Account Number:**

141140

**Name:**

NIXON & VANDERHYE P.C.

**Attention:**

LENARD MITCHARD

**Address:**

1100 N GLEBE ROAD

**City:**

ARLINGTON

**State:**

VA

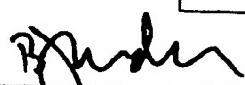
**Zip:**

22201-4714

DATE	SEQ	POSTING REF	TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
12/22	4	10502332		3665-113 B1 S 1617		\$130.00	\$52,860.98



FORM PTO-1390 MODIFIED	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER <b>3565-113</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.52)	
INTERNATIONAL APPLICATION NO. <b>PCT/IB03/01044</b>	INTERNATIONAL FILING DATE <b>14 February 2003</b>	PRIORITY DATE CLAIMED <b>14 February 2002</b> <b>11 March 2002</b>	
TITLE OF INVENTION <b>MUTATED GENE CODING FOR A LAT PROTEIN AND THE BIOLOGICAL APPLICATIONS THEREOF</b>			
APPLICANT(S) FOR DO/EO/US <b>MALISSEN et al</b>			
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The U.S. has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li>5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto (34 pages specification, claims &amp; abstract (34 claims), 11 sheets drawings and seven pages sequence listing).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </li> <li>6. <input type="checkbox"/> An English language translation <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> of the International Application as filed (35 U.S.C. 371(c)(2)) is attached hereto (      pages specification, claims &amp; abstract (      claims),      sheets drawings,      page Certificate of Translation).</li> <li>b. <input type="checkbox"/> of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. § 371(c)(5)).</li> </ul> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. a. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <ul style="list-style-type: none"> <li>b. <input checked="" type="checkbox"/> Declaration was submitted to the International Bureau during International Phase (see copies of Declaration (1 page Form PCT/RO/101 and Form PCT/IB/371 and first page of printed publication acknowledging receipt thereof attached).</li> </ul> </li> <li>10. See item 6.b. above.</li> </ol> <p><b>Items 11 To 20 below concern document(s) or information included:</b></p> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825 and Statement re: Same.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information. PTO-1449 and copy of International Search Report</li> </ol>			

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <b>Unknown</b>	INTERNATIONAL APPLICATION NO. <b>PCT/IB03/01044</b>	ATTORNEY'S DOCKET NUMBER <b>3665-113</b>			
21. <input checked="" type="checkbox"/> The following fees are submitted:		<b>CALCULATIONS PTO USE ONLY</b>			
<b>1 BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):</b>					
- Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....		\$1080.00			
- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....		\$920.00			
- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO.....		\$770.00			
- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....		\$730.00			
- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4).....		\$100.00			
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		\$      920.00			
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).		\$      0.00			
<b>CLAIMS</b>		<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>	
Total Claims	30	minus 20 =	10	X \$18.00	\$ 180.00
Independent Claims	4	minus 3 =	1	X \$86.00	86.00
<b>MULTIPLE DEPENDENT CLAIMS(S) (if applicable)</b>				\$290.00	\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months				\$ 0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1186.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				0.00	
				<b>SUBTOTAL =</b>	\$ 1186.00
Processing fee of \$130.00, for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).				+ 0.00	
				<b>TOTAL NATIONAL FEE =</b>	\$ 1186.00
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property				+ \$ 0.00	
Fee for Petition to Revive Unintentionally Abandoned Application (\$1330.00 - Small Entity = \$665.00)				\$ 0.00	
				<b>TOTAL FEES ENCLOSED =</b>	\$ 1186.00
				Amount to be: refunded	\$
				Charged	\$
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$1186.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 14-1140 in the amount of \$ _____ to cover the above fees. A duplicate copy of this form is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.</p> <p>d. <input checked="" type="checkbox"/> The entire content of International Application No. PCT/IB03/01044 and any U.S. and foreign application(s) corresponding thereto, and US 60/356,136 and EP 02290610.1, referred to in this application is/are hereby incorporated by reference in this application. NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <p><b>CORRESPONDENCE ADDRESS</b> Direct all correspondence to:</p>					
<input checked="" type="checkbox"/> Customer Number:		23117		Place Customer Number Bar Label Here →	
Type Customer Number here					
 <b>B. J. Saddy</b> NAME 36,663                  July 23, 2004 REGISTRATION NUMBER      Date					
Telephone: (703) 816-4000 S:my					

COPY

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization  
International Bureau



(43) International Publication Date  
21 August 2003 (21.08.2003)

PCT

(10) International Publication Number  
**WO 03/068968 A2**

(51) International Patent Classification<sup>7</sup>: C12N 15/12, 15/63, C07K 14/47, A01K 67/027, C07K 16/18, G01N 33/68

(74) Agent: BECKER, Philippe; Cabinet BECKER ET ASSOCIES, 35 rue des Mathurins, F-75008 Paris (FR).

(21) International Application Number: PCT/IB03/01044

(81) Designated States (*national*): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, OM, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.

(22) International Filing Date: 14 February 2003 (14.02.2003)

(84) Designated States (*regional*): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CII, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IL, IT, LU, MC, NL, PT, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NF, SN, TD, TG).

(25) Filing Language: English

Declaration under Rule 4.17:

— of inventorship (Rule 4.17(iv)) for US only

(26) Publication Language: English

Published:

— without international search report and to be republished upon receipt of that report

(30) Priority Data:

60/356,136 14 February 2002 (14.02.2002) US  
02290610.1 11 March 2002 (11.03.2002) EP

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(71) Applicant (*for all designated States except US*): INSTITUT NATIONAL DE LA SANTE ET DE LA RECHERCHE MEDICALE (INSERM) [FR/FR]; 101, rue de Tolbiac, F-75654 Paris Cedex 13 (FR).

(72) Inventors; and

(75) Inventors/Applicants (*for US only*): MALISSEN, Marie [FR/FR]; 11 avenue de la Pinede, 13009 Marseille (FR). MALISSEN, Bernard [FR/FR]; 11 avenue de la Pinede, 13009 Marseille (FR). AGUADO VIDAL, Enrique [ES/ES]; c/o Alonso de Ojeda, No., 4C, 30007 Murcia (ES).



**WO 03/068968 A2**

(54) Title: MUTATED GENE CODING FOR A LAT PROTEIN AND THE BIOLOGICAL APPLICATIONS THEREOF

(57) Abstract: The present invention relates to a mutated gene coding for a mutant LAT protein leading to an exaggerated T<sub>H</sub>2 differentiation. The invention relates to biological structures containing said mutant, particularly, non-human LAT gene mutated animals, plasmids, chromosomal DNA's, embryos comprising said mutated gene, and applications thereof. The invention further relates to screening method for drug useful for treatment against asthma and allergy. Otherwise, the invention relates to method for producing IgE antibodies.

**COPY**



Transmittal National P17330

Serial No.: PCT/IB03/00044

Applicant: *Makinson et al.*

Title: *Mutated Gene Coding*

Atty: BJS

Date: 7-03-04

Client: 3665

Ref: 113

DT02 Rec'd PCT/PTO <sup>CR</sup> 23 JUL 2004

X Amendment

34 Pages Specification, *Claims + Abstract and 7 pages sequence listing*

34 Claims

11 Sheets Drawings: Formal \_\_\_\_\_

Informal \_\_\_\_\_

X Declaration Pages PTO/RG/60, Form PCT/IB/

Assignment first page 371,

X Priority Document PTO-1449 printed pub.

Base Issue Fee Transmittal

1186- Fee (Check)

Other: *Statement with paper + computer readable sequence listing* **101502332**

UNITED STATES PATENT & TRADEMARK OFFICE  
Washington, D.C. 20231

5/18/05

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 1/19/05 2 Serial/Patent # 10/502,332

3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input checked="" type="checkbox"/> Filing			\$
<input type="checkbox"/> Amendment			\$
<input type="checkbox"/> Extension of Time			\$
<input type="checkbox"/> Notice of Appeal/Appeal			\$
<input type="checkbox"/> Petition			\$
<input type="checkbox"/> Issue			\$
<input type="checkbox"/> Cert of Correction/Terminal Disc.			\$
<input type="checkbox"/> Maintenance			\$
<input type="checkbox"/> Assignment			\$
<input checked="" type="checkbox"/> Other <u>Declaration</u>			\$ <u>130</u>
		7 TOTAL AMOUNT OF REFUND	\$ <u>130</u>
8 TO BE REFUNDED BY:			
<input type="checkbox"/> 10 REASON:		Treasury Check	
<input checked="" type="checkbox"/> Overpayment	<input checked="" type="checkbox"/>	Credit Deposit A/C #:	
<input type="checkbox"/> Duplicate Payment	<input checked="" type="checkbox"/>	<u>14--1140</u>	
9 No Fee Due (Explanation):			

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Rita White

TITLE: Legal Intern Examiner

SIGNATURE: Rita White

PHONE: 7308-9140 ext 23

OFFICE: DO/EO

\*\*\*\*\* THIS SPACE RESERVED FOR FINANCE USE ONLY: \*\*\*\*\*

APPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance  
Refund Branch  
Crystal Park One, Room 802B